

**ASSEMBLY BILL**

**No. 1886**

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**Introduced by Assembly Member Chesbro**

February 22, 2012

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An act to amend Sections 15100, 15101, 15103, 15104, and 15105 of, and to add and repeal Section 15106 of, the Fish and Game Code, relating to aquaculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1886, as introduced, Chesbro. Aquaculture.

Existing law establishes within the Department of Fish and Game an aquaculture coordinator to perform prescribed duties relating to the aquaculture industry. Existing law requires the owner of an aquaculture facility to register certain information with the department by March 1 of each year, and requires the department to impose prescribed fees for registration and renewal. Existing law also requires, in addition to the registration and renewal fees, a surcharge fee to be paid at the time of registration by the owner of an aquaculture facility if the gross annual sales of aquaculture products of the facility during the prior calendar year exceed \$25,000. Existing law imposes a penalty fee for delinquent fees. Existing law requires the department to maintain the internal accountability necessary to ensure that all restrictions on the expenditure of these fee revenues are met.

This bill would include in the duties of the coordinator the requirement to coordinate with the Aquaculture Development Committee. The bill would increase those registration, renewal, surcharge, and penalty fees. The bill would require the department to provide an accounting of the aquaculture coordinator program account balance and expenditures upon request of the Aquaculture Development Committee or the Joint

Committee on Fisheries and Aquaculture. The bill would restrict the use of fee revenues to paying the costs of the administration and enforcement of the program. The bill would require the department to prepare and submit to the Legislature on or before February 1, 2017, a report regarding the aquaculture coordinator program. The bill would repeal the aquaculture coordinator program on January 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 15100 of the Fish and Game Code is  
2 amended to read:

3 15100. There is within the department an aquaculture  
4 coordinator who shall perform all of the following duties *as part*  
5 *of the aquaculture coordinator program*:

6 (a) Promote understanding of aquaculture among public agencies  
7 and the general public.

8 (b) Propose methods of reducing the negative impact of public  
9 regulation at all levels of government on the aquaculture industry.

10 (c) Provide information on all aspects of regulatory compliance  
11 to the various sectors of the aquaculture industry.

12 (d) Provide such advice to aquaculturists on project siting and  
13 facility design that may be needed to comply with regulatory  
14 requirements.

15 (e) *Coordinate with the Aquaculture Development Committee*  
16 *regarding the duties described in subdivisions (a) to (d), inclusive.*

17 SEC. 2. Section 15101 of the Fish and Game Code is amended  
18 to read:

19 15101. (a) The owner of each aquaculture facility shall register  
20 all of the following information with the department by March 1  
21 of each year:

22 (1) The owner's name.

23 (2) The species grown.

24 (3) The location or locations of each operation or operations.

25 (b) The department may provide registration forms for this  
26 purpose, may establish a procedure for the review of the  
27 information provided to ensure that the operation will not be  
28 detrimental to native wildlife, and shall impose a registration fee  
29 of ~~five hundred forty-nine~~ *eight hundred* dollars (~~\$549~~) (*\$800*) to

1 recover the cost of reviewing new registrations. For renewing  
2 registrations, the department shall impose a registration fee of ~~two~~  
3 ~~hundred seventy-five~~ *five hundred* dollars ~~(\$275)~~ *(\$500)*. It is  
4 unlawful to conduct aquaculture operations or to culture approved  
5 species of aquatic plants and animals unless registered under this  
6 section. The registration fees specified in this section are applicable  
7 to the ~~2004~~ *2013* registration year and shall be adjusted annually  
8 thereafter pursuant to Section 713.

9 (c) The annual registration of information required by  
10 subdivision (b) is not a project for purposes of the California  
11 Environmental Quality Act (Division 13 (commencing with Section  
12 21000) of the Public Resources Code).

13 SEC. 3. Section 15103 of the Fish and Game Code is amended  
14 to read:

15 15103. (a) In addition to the fees specified in Section 15101,  
16 a surcharge fee of ~~four hundred twelve~~ *six hundred* dollars ~~(\$412)~~  
17 *(\$600)* shall be paid at the time of registration by the owner of an  
18 aquaculture facility if the gross annual sales of aquaculture products  
19 of the facility during the prior calendar year exceed twenty-five  
20 thousand dollars (\$25,000).

21 (b) Each registered aquaculturist shall maintain sales and  
22 production records which shall be made available upon request of  
23 the department to assist the department in the administration of  
24 this chapter.

25 (c) Any person who fails to pay the surcharge fee required in  
26 this section at the time of registration shall be assessed a  
27 delinquency penalty pursuant to Section 15104.

28 (d) The surcharge imposed pursuant to this section shall be  
29 applicable to the ~~2004~~ *2013* registration year and shall be adjusted  
30 annually thereafter pursuant to Section 713.

31 SEC. 4. Section 15104 of the Fish and Game Code is amended  
32 to read:

33 15104. (a) If any person engages in the business of aquaculture,  
34 as regulated under this division, without having paid the registration  
35 fee or surcharge fee within one calendar month of the  
36 commencement of business, or, for renewal of registration, on or  
37 before April 1 of the registration year, the fees are delinquent.

38 (b) A penalty shall be paid at the time of registration for any  
39 fees that are delinquent in the amount of ~~fifty~~ *one hundred fifty*  
40 dollars ~~(\$50)~~ *(\$150)*.

1 (c) The penalty imposed pursuant to subdivision (b) shall be  
2 applicable to the ~~2005~~ 2013 registration year, and shall be adjusted  
3 thereafter pursuant to Section 713.

4 SEC. 5. Section 15105 of the Fish and Game Code is amended  
5 to read:

6 15105. (a) Notwithstanding Section 13001 or 13002, all  
7 moneys collected by the department pursuant to this division shall  
8 be deposited in the Fish and Game Preservation Fund and shall be  
9 expended solely on the department's aquaculture program pursuant  
10 to this division.

11 (b) Notwithstanding Section 13004, these moneys are available  
12 for appropriation by the Legislature in the annual Budget Act for  
13 purposes of this division.

14 (c) The department shall maintain internal accountability  
15 necessary to ensure that all restrictions on the expenditure of these  
16 funds are met *and shall provide an accounting of the aquaculture*  
17 *coordinator program account balance and expenditures upon*  
18 *request of the Aquaculture Development Committee or the Joint*  
19 *Committee on Fisheries and Aquaculture.*

20 (d) *Revenues pursuant to this chapter may be used only to pay*  
21 *the costs incurred in the administration and enforcement of the*  
22 *program.*

23 (e) *The department shall prepare and submit to the Legislature*  
24 *on or before February 1, 2017, a report regarding the aquaculture*  
25 *coordinator program undertaken using revenues derived pursuant*  
26 *to that program, the benefits derived, and its recommendations*  
27 *for revising the aquaculture coordinator program requirement, if*  
28 *any. The report submitted pursuant to this subdivision shall be*  
29 *submitted in compliance with Section 9795 of the Government*  
30 *Code.*

31 SEC. 6. Section 15106 is added to the Fish and Game Code,  
32 to read:

33 15106. This chapter shall remain in effect only until January  
34 1, 2018, and as of that date is repealed, unless a later enacted  
35 statute, that is enacted before January 1, 2018, deletes or extends  
36 that date.